

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Marjory A. Reeg,)	CASE NO. _____
)	
Plaintiff,)	
)	
vs.)	
)	NOTICE OF REMOVAL
Transamerica Life Insurance Company,)	
)	
Defendant.)	
)	
)	

COMES NOW Defendant, Transamerica Life Insurance Company, and pursuant to 28 U.S.C. §§ 1441 & 1446, removes this action from the District Court of Wayne County, Nebraska, to the United States District Court for the District of Nebraska. Removal is proper on the following grounds:

1. On April 8, 2013, Plaintiff Marjory A. Reeg, a resident of Wayne County, Nebraska, commenced this action in the District Court of Wayne County, Nebraska, Case No. CI 13-19. Plaintiff is a citizen of the State of Nebraska. Said action is still pending. A copy of Plaintiff's complaint filed with the Wayne County District Court is attached hereto as Exhibit A.

2. Defendant Transamerica Life Insurance Company ("Transamerica") is a corporation organized under the laws of the State of Iowa, with its principal place of business in Cedar Rapids, Iowa. Transamerica is a citizen of the State of Iowa. Transamerica was served with process on April 16, 2013. A copy of the return of service of process documents is attached hereto as Exhibit B.

3. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has original diversity jurisdiction over this matter. Under that section, this Court has original diversity jurisdiction over any action in which (1) the amount in controversy exceeds \$75,000.00, exclusive of interests and costs; and (2) is between citizens of different states.

4. The Plaintiff's complaint seeks a declaratory judgment in her favor declaring that she is entitled to insurance benefits under a Long-Term Care Insurance policy. Plaintiff's complaint also states a claim for a bad faith denial of insurance

benefits and a breach of contract claim. Plaintiff pleads that she is entitled to a judgment on her breach of contract claim of at least \$96,560.00 plus future damages. Therefore, the amount in controversy, exclusive of interest and costs, exceeds the \$75,000.00 threshold requirement for establishing diversity jurisdiction.

5. Pursuant to 28 U.S.C. § 1441(a), Defendant must remove this action "to the district court of the United States for the district and division embracing the place where [the State court] action is pending."

6. Removal is proper under 28 U.S.C. § 1446 because this notice has been filed within thirty (30) days after receipt of the initial pleadings by Transamerica on April 16, 2013, and all Defendants who have been properly joined and served with Plaintiff's initial pleadings (i.e., Transamerica) consent to this removal. See 28 U.S.C. § 1446(b)(1)-(2).

7. A notice of the filing of this Notice of Removal has been filed contemporaneously herewith in the District Court of Wayne County, Nebraska.

8. There are no matters pending in the District Court of Wayne County, Nebraska, that will currently require resolution by this Court.

Dated this 16th day of May, 2013.

TRANSAMERICA LIFE INSURANCE
COMPANY, Defendant

BY: /s/Michael F. Coyle

Michael F. Coyle, #18299
Robert W. Futhey, #24620
FRASER STRYKER PC LLO
500 Energy Plaza
409 South 17th Street
Omaha, Nebraska 68102-2663
(402) 341-6000
mcoyle@fraserstryker.com
rfuthey@fraserstryker.com
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David E Copple
Copple Rockey & McKeever & Schlecht
2425 Taylor Avenue
P.O. Box 78
Norfolk, NE 68702-0078
decopple@greatadvocates.com

/s/Michael F. Coyle